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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/437,580	11/09/1999	ALEXANDER G. MACINNIS	36101/SAH/B6	8182
23363	7590	08/23/2005	EXAMINER	
CHRISTIE, PARKER & HALE, LLP PO BOX 7068 PASADENA, CA 91109-7068			NGUYEN, KEVIN M	
			ART UNIT	PAPER NUMBER
			2674	

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 09/437,580	<b>Applicant(s)</b> MACINNIS ET AL.	
	<b>Examiner</b> Kevin M. Nguyen	<b>Art Unit</b> 2674	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 08 August 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: \_\_\_\_\_.  
 Claim(s) objected to: \_\_\_\_\_.  
 Claim(s) rejected: 26-30, 32-33, 47, 48, 35-39, 43, 44 and 50.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Connuation Sheet.  
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SP-008 or PTO-1449) Paper No(s). \_\_\_\_\_  
 13. ☐ Other: \_\_\_\_\_.

  
**PATRICK N. EDOUARD**  
**SUPERVISORY PATENT EXAMINER**

Kevin M. Nguyen  
 Patent Examiner  
 Art Unit: 2674

Applicant's arguments filed 08/08/2005 have been fully considered but they are not persuasive.

In response to applicant's argument that claims 26 and 32 with "emphasis in bold added", pages 10 and 11. Examiner is not convinced by Applicant's argument. As stated earlier in the last Final office action with respect to claims 26 and 32, Examiner clarifies that the Watts teaches, recited at least in col. 7, lines 2-49, the number of rows (col. 7, lines 13-14). One person of ordinary skill in the image art to understand that rows are made up the plurality of pixels. Thus, Watts teaches the number of rows are as the number of pixels as claimed; the header data packet, showing by Fig. 6, is defined by "source of data packet" having region data tables (RDTs) for FORM 2 (1-4) (see the Final office action). One person of ordinary skill in the computer science art to recognize that a header is a unit of information that precedes a data object. The header can be accessed only by the operating system or by specialized programs. Thus, the term "form descriptors 1" (see fig. 6) is as the header as claimed, that precedes the data object "form descriptors 2" (see fig. 6) is as the data packet (date tables, RDTs) as claimed; blanking out one or more pixels, (see col. 6, lines 60-66), deleting lines and scrolling are achieved by merely modifying the pointers RA and LA to indicate the memory location of the next desired row of characters. This greatly increases the processing throughput of CPU 10 because only the affected pointers need to be modified, without rearranging character and character attribute data in the display memory (see the Final office action). One person of ordinary skill in the image art to understand that lines are made up the plurality of pixels. Therefore, Watts teaches deleting lines relied blanking out one or more pixels as claimed. Watts further teaches smooth scrolling, i.e., the scrolling of a line one pixel, may be performed in any of horizontal spit regions, under control of CRTC 16 (col. 8, lines 28-31); as modified by, Fumoto et al teach it is noted that the operation for scrolling to the left or right in the horizontal display direction is basically identical to the vertical operation (see col. 5, lines 36-42).

Applicant's argument that "Examiner must meet to establish a prima facie case of obviousness..." at page 13. In response, Examiner disagrees because a prima facie case of obvious is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art. Once such a case is established, it is incumbent upon appellant to go forward with objective evidence of unobviousness. See *In re Fielder*, 471 F.2d 640, 176 USPQ 300 (CCPA 1973). See *In re Palmer*, 172 USPQ 126 (CCPA 1971). See *In re Reven*, 156 USPQ 679 (CCPA 1968).

In response to applicant's argument that claims 40 and 43 with "emphasis in bold added", pages 14 and 15, see the response with respect to claims 26 and 32 above. Examiner is not convinced by Applicant's argument. As stated *infra* respect to claims 40 and 43, Examiner clarifies that the Watts teaches "The display control system of the present terminal is formed of CRT controller 16, video attribute generator 94, display memory 96, character ROM 90, contrast register 38 and the associated circuitry and expandable memories 104 and 106 (col. 5, lines 36-42). Thus, it would have been obvious to recognize that the display control system is the display engine as claimed.

In response to applicant's argument that dependent claims 30 and 38 only recite the limitation "the second number of bits is selected from the group consisting of 16 bits, 24 bits, 32 bits, and 64 bits." As stated earlier in the last Final office action with respect to claims 26 and 32, Examiner clarifies that the Watts teaches GROM (a second number) contains 16K bytes (col. 5, line 33-35). One person of ordinary skill in the computer science art to understand that abbreviation for binary term, a unit of storage capable of holding a single character. On almost all modern computers, a byte is equal to 8 bits. Thus, at least 2 bytes, 3 bytes, 4 bytes, and 5 bytes in 16K bytes are equal to 16 bits, 24 bits, 32 bits and 64 bits, respectively, as claimed.

In response to applicant's argument with respect to claims 26, 32, 40 and 43 that Watts and/or Fumoto does not show, disclose, or suggest a graphics display system associated with a method for horizontally scrolling to the left and the right by one or more pixels, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

For these reasons, the rejections of claims 26-30, 32-33, 47, 48, 35-39, 43, 44 and 50 based on Watts and Fumoto et al have been maintained.